

ENTERED

January 18, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

ROBERT LEE UPSHAW,

Plaintiff,

VS.

OFFICER CLICK, *et al.*,

Defendants.

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CIVIL ACTION NO. 3:17-CV-204

ORDER OF DISMISSAL

The Court ordered the plaintiff in this prisoner civil rights case, Robert Lee Upshaw, to file an amended application for leave to proceed *in forma pauperis* (“IFP”) reflecting his current income and expenses (Dkt. 7). Upshaw has not responded, and he has not otherwise contacted the Court.

A court may dismiss an action *sua sponte* for failure to prosecute or for failure to comply with any court order. *Larson v. Scott*, 157 F.3d 1030, 1031–32 (5th Cir. 1998). “This authority flows from the Court’s inherent power to control its docket and prevent undue delays in the disposition of pending cases.” *Boudwin v. Graystone Ins. Co., Ltd.*, 756 F.2d 399, 401 (5th Cir. 1985) (citing *Link v. Wabash Railroad Co.*, 370 U.S. 626 (1962)). Upshaw has not complied with the Court’s order to file an amended IFP application, and he has not shown any desire to continue pursuing this case.

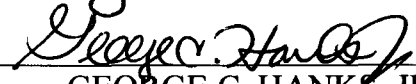
Based on the foregoing, the Court **ORDERS** as follows:

1. This case is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute and for failure to comply with the Court's order to file an amended IFP application.
2. Any pending motions are **DENIED** as moot.

This is a **FINAL JUDGMENT**.

The Clerk is directed to provide a copy of this order to the parties.

SIGNED at Galveston, Texas, on January 18, 2018.



GEORGE C. HANKS, JR.
UNITED STATES DISTRICT JUDGE